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| PROB 22 (Rev. 01/24) | TRANSFER OF JURISDICTION | | DOCKET NUMBER (<i>Transfer Court</i>) 7:19-CR-18-1D |
| | | DOCKET NUMBER (<i>Rec. Court</i>) 25-TP-20017-ALTONAGA | |
| NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Ricardo Abdel (Dade County) | | DISTRICT EASTERN NORTH CAROLINA | DIVISION Southern Division |
| FILED BY <u>BM</u> D.C. <u>Feb 28, 2025</u> <u>ANGELA E. NOBLE</u> <u>CLERK U.S. DIST. CT.</u> <u>S. D. OF FLA. - MIAMI</u> | | NAME OF SENTENCING JUDGE James C. Dever III | |
| | | DATES OF PROBATION/ SUPERVISED RELEASE | FROM <u>2/15/2023</u> TO <u>2/14/2026</u> |
| OFFENSE Access Device Fraud and Aiding and Abetting, in violation of 18 U.S.C. § 1029(a)(1), 18 U.S.C. § 1029(c)(1)(A)(i) and 18 U.S.C. § 2 Aggravated Identity Fraud and Aiding and Abetting, in violation of 18 U.S.C. § 1028A, and 18 U.S.C. § 2 | | | |
| JUSTIFICATION/REASON FOR TRANSFER (e.g., prosocial ties, employment/education opportunities, violation of supervision) Maintain employment and residence. No ties to the EDNC. | | | |
| PART 1 - ORDER TRANSFERRING JURISDICTION | | | |
| UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA | | | |
| <p>IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this court to the United States District Court for the Southern District of Florida upon that court's order of acceptance of jurisdiction. This court hereby expressly consents that the period of probation or supervised release may be changed by the district court to which this transfer is made without further inquiry of this court.*</p> | | | |
| <u>2/17/25</u> Date | | <u>J. Dever</u> James C. Dever III, U.S. District Judge | |
| * This sentence may be deleted in the discretion of the transferring Court. | | | |
| PART 2 - ORDER ACCEPTING JURISDICTION | | | |
| UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA | | | |
| <p>IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this court from and after the entry of this order.</p> | | | |
| <u>2/24/2025</u> Effective Date | |  The Honorable Beth Bloom United States District Judge | |

U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Southern Division)
CRIMINAL DOCKET FOR CASE #: 7:19-cr-00018-D All Defendants

Case title: USA v. Abdel

Date Filed: 01/29/2019

Date Terminated: 01/21/2020

Assigned to: District Judge James C. Dever,
III

Defendant (1)

Ricardo Abdel

TERMINATED: 01/21/2020

represented by **Bijan S. Parwaresch**

Law Offices of Bijan S. Parwaresch
407 Lincoln Rd, Suite 12 E
Miami Beach, FL 33139
305-505-8858
Fax: 1888-232-4041
Email: bijanlaw@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Kyle Abraham Smalling

Capital City Law
116 N Person Street
Raleigh, NC 27601
919-792-8756
Fax: 9193467499
Email: kyle@capitalcitylawnc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Steven E. Amster

Law Office of Steven E. Amster
7685 SW 104th Street
Suite 200
Miami, FL 33156
305-371-2455
Fax: 305-517-8171
Email: s_atty@bellsouth.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Brian M. Aus

Brian Aus, Attorney at Law
P.O. Box 1345
Durham, NC 27702
919-666-7690
Fax: 919-666-6849
Email: brianauslaw@gmail.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Access Device Fraud, Aiding and Abetting
(1)

Aggravated Identity Fraud
(2)

Disposition

Bureau of Prisons - Count 1: 24 months -
Count 2: 24 months, to run consecutively
(Total term: 48 months) - Supervised
Release - Count 1: 3 years - Count 2: 1 year
and shall run concurrently (Total term: 3
years) - Special conditions imposed -
Special Assessment - Count 1: \$100.00 -
Count 2: \$100.00 (Total of \$200.00 due in
full immediately) - Restitution - \$19,966.71
due immediately - joint and several -
interest waived. Recommendations by the
Court: Place of incarceration at a federal
facility in the southern district of Florida -
Defendant shall be housed separately from
all co-defendants. Allowed to self-report as
directed.

See count 1 for disposition.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Ethan A. Ontjes**

United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
919-856-4530
Fax: 856-4487

Email: ethan.ontjes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Rudy E. Renfer

United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
919-856-4046
Fax: 919-856-4487
Email: rudy.e.renfer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Matthew Lee Fesak

United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
919-856-4530
Fax: 919-856-4821
Email: matthew.fesak@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

| Date Filed | # | Docket Text |
|------------|-------------------|---|
| 01/29/2019 | 1 | INFORMATION as to Ricardo Abdel (1) counts 1, 2. (Bullock, N.) (Entered: 01/29/2019) |
| 01/29/2019 | 2 | Notice of Related Case filed by USA. (Bullock, N.) (Entered: 01/29/2019) |
| 01/29/2019 | 3 | Penalty Sheet (<i>Selected Participants Only</i>) as to Ricardo Abdel. (Bullock, N.) (Entered: 01/29/2019) |
| 02/05/2019 | | Set Hearing as to Ricardo Abdel: Plea to Criminal Information set for 3/18/2019 term of court at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 02/05/2019) |
| 03/05/2019 | | Plea to Criminal Information Hearing as to Ricardo Abdel - continued pending appearance by defense counsel. (Jenkins, C.) (Entered: 03/05/2019) |
| 03/06/2019 | | Reset Hearing as to Ricardo Abdel: Plea to Criminal Information reset for 3/18/2019 term of court at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 03/06/2019) |
| 03/07/2019 | 6 | Pretrial Services Report filed by Danele Williams as to Ricardo Abdel. (Prather, Ryan) (Entered: 03/07/2019) |
| 03/13/2019 | 7 | Notice of Hearing as to Ricardo Abdel: Plea to Criminal Information set for 3/20/2019 at 9:00 AM in Raleigh - 6th Floor Courtroom before Magistrate Judge James E. Gates. (Jenkins, C.) (Entered: 03/13/2019) |
| 03/19/2019 | 8 | NOTICE OF SPECIAL APPEARANCE FOR NON-DISTRICT COUNSEL filed by Steven E. Amster appearing for Ricardo Abdel (Amster, Steven) (Entered: 03/19/2019) |

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| 03/19/2019 | 9 | Amended Penalty Sheet (<i>Selected Participants Only</i>) as to Ricardo Abdel (Ontjes, Ethan) (Entered: 03/19/2019) |
| 03/20/2019 | 10 | Waiver of Indictment filed in open court by Ricardo Abdel. (Jenkins, C.) (Entered: 03/20/2019) |
| 03/20/2019 | 11 | Minute Entry for proceedings held before Magistrate Judge James E. Gates in Raleigh: Defendant present with counsel and Assistant U.S. Attorney present for USA. Arraignment held on 3/20/2019 as to Ricardo Abdel (1) regarding counts 1 and 2 of the Criminal Information. Defendant sworn - court finds defendant competent to proceed - defendant advised of rights, charges, and maximum penalties by the court. Plea entered: Guilty on counts 1 and 2 - Waiver of Indictment filed - Memorandum of Plea Agreement conditionally approved by the court. Sentencing set for 6/17/2019 term of court at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. Defendant allowed to remain on conditions of release pending sentencing. (Court Reporter Suzanne Patterson) (Jenkins, C.) (Entered: 03/20/2019) |
| 03/20/2019 | 12 | Consent to proceed before Magistrate Judge for felony arraignment by defendant Ricardo Abdel. (Jenkins, C.) (Entered: 03/20/2019) |
| 03/20/2019 | 13 | ORDER Setting Conditions of Release. Signed by Magistrate Judge James E. Gates on 3/20/2019. (Jenkins, C.) (Entered: 03/20/2019) |
| 03/21/2019 | 15 | MEMORANDUM OF PLEA AGREEMENT as to Ricardo Abdel. Signed by U.S. District Judge James C. Dever III on 3/25/2019. (Jenkins, C.) (Entered: 03/25/2019) |
| 03/22/2019 | 14 | Notice of Attorney Appearance: Kyle Abraham Smalling appearing for Ricardo Abdel <i>as local counsel.</i> (Smalling, Kyle) (Entered: 03/22/2019) |
| 05/09/2019 | 16 | DRAFT PRESENTENCE INVESTIGATION REPORT (Sealed) as to Ricardo Abdel. (Attachments: # 1 Supplement First Draft Cover Memo **Objections Due May 23, 2019**) (Chao, A.) (Entered: 05/09/2019) |
| 05/16/2019 | 17 | DRAFT PRESENTENCE INVESTIGATION REPORT (Sealed) as to Ricardo Abdel. (Attachments: # 1 Supplement **First Draft Cover Memo Objections Due May 23, 2019**) (Chao, A.) (Entered: 05/16/2019) |
| 05/20/2019 | 18 | OBJECTIONS TO PRESENTENCE REPORT as to Ricardo Abdel (Ontjes, Ethan) (Entered: 05/20/2019) |
| 06/10/2019 | 19 | PRESENTENCE INVESTIGATION REPORT (Sealed) as to Ricardo Abdel. (Chao, A.) (Entered: 06/10/2019) |
| 06/11/2019 | 21 | Notice of Hearing as to Ricardo Abdel: Sentencing set for 7/1/2019 at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 06/11/2019) |
| 06/24/2019 | 22 | SEALED MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) Modified on 6/26/2019 - Sealed pursuant to 27 Order.(Sellers, N.) (Entered: 06/24/2019) |
| 06/25/2019 | 23 | Proposed Order by Ricardo Abdel regarding 22 MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 06/25/2019) |
| 06/25/2019 | 24 | MOTION to Seal Document 22 MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 06/25/2019) |
| 06/25/2019 | 25 | Proposed Order by Ricardo Abdel regarding 24 MOTION to Seal Document 22 MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 06/25/2019) |

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| 06/26/2019 | 26 | ORDER granting 22 Motion to Continue Sentencing as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 6/26/2019. (Sellers, N.) (Entered: 06/26/2019) |
| 06/26/2019 | | Reset Hearings as to Ricardo Abdel: Sentencing set for 9/9/2019 term at 09:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Sellers, N.) (Entered: 06/26/2019) |
| 06/26/2019 | 27 | ORDER granting 24 Motion to Seal Document as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 6/26/2019. (Sellers, N.) (Entered: 06/26/2019) |
| 06/26/2019 | 28 | NOTICE OF ATTORNEY APPEARANCE Matthew Lee Fesak appearing for USA. (Fesak, Matthew) (Entered: 06/26/2019) |
| 06/26/2019 | 29 | MOTION for Forfeiture of Property filed by USA as to Ricardo Abdel. (Attachments: # 1 Text of Proposed Order) (Fesak, Matthew) (Entered: 06/26/2019) |
| 08/26/2019 | 30 | MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 08/26/2019) |
| 08/26/2019 | 31 | Notice of Hearing as to Ricardo Abdel: Sentencing set for 9/13/2019 at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 08/26/2019) |
| 08/27/2019 | 32 | Corrected MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 08/27/2019) |
| 08/27/2019 | 33 | Proposed Order by Ricardo Abdel regarding 32 MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 08/27/2019) |
| 08/28/2019 | | Motion Submitted to District Judge James C. Dever III as to Ricardo Abdel regarding 32 MOTION to Continue <i>Sentencing</i> . (Jenkins, C.) (Entered: 08/28/2019) |
| 08/29/2019 | 34 | ORDER granting 32 Motion to Continue Sentencing set for 9/13/2019 to the December 2019 term of court as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 8/29/2019. (Jenkins, C.) (Entered: 08/29/2019) |
| 08/29/2019 | | Reset Hearing as to Ricardo Abdel: Sentencing reset for 12/9/2019 term of court at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 08/29/2019) |
| 11/19/2019 | 35 | Notice of Hearing as to Ricardo Abdel: Sentencing set for 12/17/2019 at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 11/19/2019) |
| 12/06/2019 | 36 | MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 12/06/2019) |
| 12/09/2019 | 37 | Proposed Order by Ricardo Abdel regarding 36 MOTION to Continue <i>Sentencing</i> filed by Ricardo Abdel. (Amster, Steven) (Entered: 12/09/2019) |
| 12/09/2019 | | Motion Submitted to District Judge James C. Dever III as to Ricardo Abdel regarding 36 MOTION to Continue <i>Sentencing</i> . (Jenkins, C.) (Entered: 12/09/2019) |
| 12/09/2019 | 38 | ORDER granting 36 Motion to Continue Sentencing set for 12/17/2019 to the January 2020 term of court as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 12/9/2019. (Jenkins, C.) (Entered: 12/09/2019) |
| 12/09/2019 | | Reset Hearing as to Ricardo Abdel: Sentencing reset for 1/21/2020 term of court at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 12/09/2019) |

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| 01/10/2020 | 39 | Notice of Hearing as to Ricardo Abdel: Sentencing set for 1/21/2020 at 9:00 AM in Raleigh - 7th Floor - Courtroom 1 before District Judge James C. Dever III. (Jenkins, C.) (Entered: 01/10/2020) |
| 01/21/2020 | 40 | Minute Entry for proceedings held before District Judge James C. Dever III in Raleigh: Defendant present with counsel and Assistant U.S. Attorney present for USA - Defendant sworn. Sentencing held on 1/21/2020 for Ricardo Abdel (1). Bureau of Prisons - Count 1: 24 months - Count 2: 24 months, to run consecutively (Total term: 48 months) - Supervised Release - Count 1: 3 years - Count 2: 1 year and shall run concurrently (Total term: 3 years) - Special conditions imposed - Special Assessment - Count 1: \$100.00 - Count 2: \$100.00 (Total of \$200.00 due in full immediately) - Restitution - \$19,966.71 due immediately - joint and several - interest waived. Recommendations by the Court: Place of incarceration at a federal facility in the southern district of Florida - Defendant shall be housed separately from all co-defendants. Defendant advised of appeal rights. Allowed to self-report as directed. (Court Reporter Amy Condon) (Jenkins, C.) (Entered: 01/21/2020) |
| 01/21/2020 | 41 | PRELIMINARY ORDER OF FORFEITURE granting 29 Motion for Forfeiture of Property as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 1/21/2020. (Jenkins, C.) (Entered: 01/21/2020) |
| 01/21/2020 | 42 | Order to Surrender as to Ricardo Abdel. Signed by District Judge James C. Dever III on 1/21/2020. (Jenkins, C.) (Entered: 01/21/2020) |
| 01/21/2020 | 43 | JUDGMENT as to Ricardo Abdel (1). Bureau of Prisons - Count 1: 24 months - Count 2: 24 months, to run consecutively (Total term: 48 months) - Supervised Release - Count 1: 3 years - Count 2: 1 year and shall run concurrently (Total term: 3 years) - Special conditions imposed - Special Assessment - Count 1: \$100.00 - Count 2: \$100.00 (Total of \$200.00 due in full immediately) - Restitution - \$19,966.71 due immediately - joint and several - interest waived. Recommendations by the Court: Place of incarceration at a federal facility in the southern district of Florida - Defendant shall be housed separately from all co-defendants. Allowed to self-report as directed. Signed by District Judge James C. Dever III on 1/21/2020. (Jenkins, C.) (Entered: 02/05/2020) |
| 03/16/2020 | 45 | Judgment Returned Executed as to Ricardo Abdel - defendant self surrendered on 3/10/2020 to a facility in Post, Texas. (Jenkins, C.) (Entered: 03/16/2020) |
| 05/07/2020 | 46 | MOTION for Forfeiture of Property <i>Final Order</i> filed by USA as to Ricardo Abdel. (Attachments: # 1 Exhibit A- Advertisement Certification Report between February 4, 2020 and March 4, 2020, # 2 Exhibit B - Department of Treasury Process Receipt and Return for HP Stream Notebook, # 3 Text of Proposed Order) (Fesak, Matthew) (Entered: 05/07/2020) |
| 05/08/2020 | | Motion Submitted to District Judge James C. Dever III as to Ricardo Abdel regarding 46 MOTION for Forfeiture of Property <i>Final Order</i> . (Jenkins, C.) (Entered: 05/08/2020) |
| 05/08/2020 | 47 | FINAL ORDER OF FORFEITURE granting 46 Motion for Forfeiture of Property as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 5/8/2020. (Jenkins, C.) (Entered: 05/08/2020) |
| 05/11/2020 | 48 | NOTICE OF SPECIAL APPEARANCE FOR NON-DISTRICT COUNSEL Filed by local counsel Brian M. Aus appearing for Ricardo Abdel <i>Bijan Sebastian Parwaresch appearing as non-district counsel</i> (Attachments: # 1 Certificate of Service) (Aus, Brian) (Entered: 05/11/2020) |
| 05/21/2020 | 49 | NOTICE OF SPECIAL APPEARANCE FOR NON-DISTRICT COUNSEL Filed by local counsel Bijan S. Parwaresch appearing for Ricardo Abdel (Attachments: # 1 Certificate of Service) (Parwaresch, Bijan) (Entered: 05/21/2020) |

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| 06/12/2020 | 50 | Motion for Compassionate Release - First Step Act filed by Ricardo Abdel as to Ricardo Abdel. (Attachments: # 1 Exhibit Memo from Warden Regarding Covid Case, # 2 Exhibit CDC Risk Factors, # 3 Exhibit Statement from Directors of BOP, # 4 Exhibit Infection Statistics BOP, # 5 Exhibit English/Spanish Medical Note, # 6 Exhibit Prescriptions, # 7 Exhibit Doctor's Evaluation, # 8 Exhibit Affidavits, # 9 Exhibit School Records, # 10 Exhibit Work Letter) (Parwaresch, Bijan) (Entered: 06/12/2020) |
| 06/29/2020 | 51 | NOTICE OF ATTORNEY APPEARANCE Rudy E. Renfer appearing for USA. (Renfer, Rudy) (Entered: 06/29/2020) |
| 06/29/2020 | 52 | PROPOSED SEALED MOTION by USA as to Ricardo Abdel (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A - Response to Compassionate Release (SEALED), # 3 Exhibit 1- Kelley Declaration, # 4 Exhibit 1-1, Inmate Data Summary, # 5 Exhibit 1-2, Admin Remedy Summary, # 6 Exhibit 1-3, Home Confinement Request and Response, # 7 Exhibit 2- BOP Home Confinement Guidelines, # 8 Exhibit 3- Medical Records (SEALED)) (Renfer, Rudy) (Entered: 06/29/2020) |
| 06/29/2020 | 53 | Memorandum in Support by USA as to Ricardo Abdel regarding 52 PROPOSED SEALED MOTION by USA as to Ricardo Abdel filed by USA as to Ricardo Abdel. (Renfer, Rudy) (Entered: 06/29/2020) |
| 06/29/2020 | 54 | MOTION to Seal 52 PROPOSED SEALED MOTION by USA as to Ricardo Abdel (<i>Government Proposes to Seal 52-2, 52-8</i>) filed by USA as to Ricardo Abdel. (Attachments: # 1 Text of Proposed Order) (Renfer, Rudy) Modified on 7/31/2020 to remove 'proposed' pursuant to the 56 Order (Waddell, K.). (Entered: 06/29/2020) |
| 06/29/2020 | 55 | Memorandum in Support by USA as to Ricardo Abdel regarding 54 MOTION to Seal 52 PROPOSED SEALED MOTION by USA as to Ricardo Abdel (<i>Government Proposes to Seal 52-2, 52-8</i>) filed by USA as to Ricardo Abdel. (Renfer, Rudy) (Entered: 06/29/2020) |
| 07/24/2020 | | Motions Submitted to District Judge James C. Dever III as to Ricardo Abdel regarding 52 PROPOSED SEALED MOTION by USA as to Ricardo Abdel, 50 Motion for Compassionate Release - First Step Act , 54 MOTION to Seal 52 PROPOSED SEALED MOTION by USA as to Ricardo Abdel (<i>Government Proposes to Seal 52-2, 52-8</i>). (Jenkins, C.) (Entered: 07/24/2020) |
| 07/31/2020 | 56 | ORDER granting 54 Motion to Seal as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 7/30/2020. (Waddell, K.) (Entered: 07/31/2020) |
| 08/04/2020 | 57 | ORDER as to Ricardo Abdel: It is ordered that the United States' Motion for One-Day Extension of Time to File its response in opposition to Defendant's motion for compassionate release until June 29, 2020, is GRANTED; THE CLERK'S OFFICE IS DIRECTED to file the response and exhibits attached to the United States' motion and such filings shall be deemed timely filed as of June 29, 2020 in accord with this Order extending time to file. Signed by District Judge James C. Dever, III on 7/30/2020. (Lee, L.) (Entered: 08/04/2020) |
| 12/22/2020 | 58 | ORDER denying 50 Motion for Compassionate Release - First Step Act and dismisses request for home confinement as to Ricardo Abdel (1). Signed by District Judge James C. Dever III on 12/22/2020. (Roy, S.) (Entered: 12/22/2020) |
| 10/01/2024 | 59 | PETITION and ORDER for Action on Supervised Release as to Ricardo Abdel. Signed by District Judge James C. Dever III on 10/1/2024. (Harrison, A) (Entered: 10/03/2024) |

FILED

JAN 29 2019

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EBNC
BY MB DEP CLK

NO. 7:19-cr-18

UNITED STATES OF AMERICA)
)
 v.) INFORMATION
)
 RICARDO ABDEL)

The United States Attorney charges:

COUNT ONE

Beginning in or about 2017, and continuing to on or about March 5, 2018, in the Eastern District of North Carolina and elsewhere, the defendant, RICARDO ABDEL, aiding and abetting another, did knowingly and with intent to defraud, produce, use, and traffic in one or more counterfeit access devices, in and affecting interstate commerce. All in violation of Title 18, United States Code, Sections 1029(a) (1) and 2.

COUNT TWO

On or about March 5, 2018, in the Eastern District of North Carolina, the defendant, RICARDO ABDEL, aiding and abetting another, did knowingly and with intent to defraud, transfer, possess, and use, without lawful authority, a means of identification of another person, to wit: credit cards, during and in relation to the crime set forth in Count One of this Information, a felony violation

enumerated in Title 18, United States Code, Section 1028A(c). All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

FORFEITURE NOTICE

The defendant is hereby given notice that all of the defendant's interest in all property specified herein is subject to forfeiture.

Upon conviction of one or more of the offense(s) set forth in Count One of the Criminal Information, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), as made applicable by Title 28, United States Code, Section 2461(c), any property, which constitutes or is derived from proceeds traceable to the said offense(s), and the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1029(c)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c), any personal property used or intended to be used to commit said offense(s).

The forfeitable property includes, but is not limited to, the following:

1. \$9,319.00 in United States currency
2. Apple iPhone, model A1662
3. Apple iPhone, model A1901
4. HP Stream Notebook Model PC13

If any of the above-described forfeitable property, as a result of any act or omission of a defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

ROBERT J. HIGDON, JR.
United States Attorney


ETHAN A. ONTJES
Assistant United States Attorney

UNITED STATES DISTRICT COURT

Eastern District of North Carolina

UNITED STATES OF AMERICA

v.

RICARDO ABDEL

JUDGMENT IN A CRIMINAL CASE

Case Number: 7:19-CR-18-1-D

USM Number: 66036-056

Kyle Abraham Smalling/Steven E. Amster

Defendant's Attorney

THE DEFENDANT:

 pleaded guilty to count(s) 1 and 2 of the Criminal Information pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|--|---|----------------------|--------------|
| 18 U.S.C. § 1029(a)(1), 18 U.S.C. § 1029(c)(1)(A)(i) and 18 U.S.C. § 2 | Access Device Fraud and Aiding and Abetting | 3/5/2018 | 1 |
| | | | |
| | | | |

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) _____ Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/21/2020
Date of Imposition of Judgment
Signature of JudgeJames C. Dever III, United States District Judge
Name and Title of Judge1/21/2020
Date

DEFENDANT: RICARDO ABDEL
CASE NUMBER: 7:19-CR-18-1-D

ADDITIONAL COUNTS OF CONVICTION

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|--|---|----------------------|--------------|
| 18 U.S.C. § 1028A, 18 U.S.C. §1028A(a)(1), and 18 U.S.C. § 2 | Aggravated Identity Fraud and Aiding and Abetting | 3/5/2018 | 2 |

DEFENDANT: RICARDO ABDEL
CASE NUMBER: 7:19-CR-18-1-D

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Counts 1 and 2: 24 months per count, to be served consecutively - (Total term: 48 months)

The court makes the following recommendations to the Bureau of Prisons:

The court recommends that the defendant serve his term at a federal facility in the Southern District of Florida. The court recommends that he be housed separately from all co-defendants, to include: Walter Correa-Cisneros (7:18-CR-177-1D) and Diego Arostegui, Jr. (7:18-CR-166-1D).

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RICARDO ABDEL

CASE NUMBER: 7:19-CR-18-1-D

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

Count 1: 3 years and a term of 1 year on count 2, both such terms shall run concurrently - (Total term: 3 years)

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: RICARDO ABDEL
CASE NUMBER: 7:19-CR-18-1-D

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RICARDO ABDEL

CASE NUMBER: 7:19-CR-18-1-D

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall not incur new credit charges or open additional lines of credit without approval of the probation office.

The defendant shall provide the probation office with access to any requested financial information.

Upon completion of the term of imprisonment, the defendant is to be surrendered to a duly- authorized immigration official for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. § 1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.

DEFENDANT: RICARDO ABDEL
CASE NUMBER: 7:19-CR-18-1-D

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| <u>TOTALS</u> | <u>Assessment</u> | <u>JVTA Assessment*</u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|-------------------|-------------------------|-------------|--------------------|
| | \$ 200.00 | \$ | \$ | \$ 19,966.71 |

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss**</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|-------------------------------|---------------------|----------------------------|-------------------------------|
| NetSpend | \$20.00 | \$20.00 | |
| Truliant Federal Credit Union | \$981.15 | \$981.15 | |
| Capital One Bank | \$4,152.15 | \$4,152.15 | |
| RTP Federal Credit Union | \$44.45 | \$44.45 | |
| Pentagon Federal Credit Union | \$474.06 | \$474.06 | |
| Americu Credit Union | \$338.16 | \$338.16 | |
| State Employees' Credit Union | \$13,131.98 | \$13,131.98 | |
| TOTALS | \$ 19,966.71 | \$ 19,966.71 | |

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RICARDO ABDEL

CASE NUMBER: 7:19-CR-18-1-D

ADDITIONAL RESTITUTION PAYEES

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--------------------------|--------------------|----------------------------|-------------------------------|
| Woodforest National Bank | \$800.82 | \$800.82 | |
| Bank of America | \$23.94 | \$23.94 | |

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RICARDO ABDEL
CASE NUMBER: 7:19-CR-18-1-D

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A Lump sum payment of \$ _____ due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

The special assessment in the amount of \$200.00 shall be due in full immediately. Payment of restitution shall be due and payable in full immediately. However, if the defendant is unable to pay in full immediately, the special assessment and restitution may be paid through the Inmate Financial Responsibility Program (IFRP). The court orders that the defendant pay a minimum payment of \$25 per quarter through the IFRP, if available. The court, having considered the defendant's financial resources and ability to pay, orders that any balance still owed at the time of release shall be paid in installments of \$50 per month to begin 60 days after the defendant's release from prison. At the time of the defendant's release, the probation officer shall take into consideration the defendant's ability to pay the restitution ordered and shall notify the court of any needed modification of the payment schedule.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

| | | |
|------------------------|-----------------|-------------|
| Ricardo Abdel | 7:19-CR-18-1-D | \$19,966.71 |
| Walter Correa-Cisneros | 7:18-CR-177-1-D | \$19,966.71 |
| Diego Arostegui, Jr. | 7:18-CR-166-1-D | \$19,966.71 |

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:
The defendant shall forfeit to the United States the defendant's interest in the property specified in the Preliminary Order of Forfeiture entered on January 21, 2020.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.